

## REMARKS

Responsive to the Office Action mailed on June 25, 2009 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

### Present Status of Application

Claims 12-17 are withdrawn from consideration. Claims 7 and 9-11 are rejected under 35 USC 102(b) as being anticipated by Brandli (US 4,395,943, hereinafter "Brandli"). Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Brandli in view of Charvat (US 3,124,823, hereinafter "Charvat").

In this paper, new claims 18 and 19 are added. Support for the new claims can be found throughout the specification and drawings of the application as originally filed. Thus, on entry of this amendment, claims 7-19 remain in the application, where claims 12-17 are withdrawn from consideration.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

### Rejections Under 35 U.S.C. 102

Claims 7 and 9-11 are rejected under 35 USC 102(b) as being anticipated by Brandli. Applicant respectfully traverses the rejections for the reasons as follow.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

### Claim 7

Claim 7 recites a small-diameter resin twisted brush comprising:

a plurality of resin filaments having resilience, straightenability, and suppleness;

***at least two resilient stem resin filament rods;***

said plurality of resin filaments being clamped between said at least two resilient stem resin filament rods;

***said at least two resilient resin stem rods being twisted about one another,***  
thereby forming said brush with helical bristles formed by said plurality of resin filaments extending radially from said at least two twisted resilient stem resin filament rods, whereby said small-diameter resin twisted brush is capable of adapting of three-dimensional deformed conditions and of recovering an initial shape.

Thus, claim 7 requires that the brush comprises at least two “resilient resin stem rods” being twisted about one another. In other words, the stem rods are made of resin.

As noted in the application (par 0002), metal wire can easily hurt the teeth or oral cavity. Also see paragraph 0030, which reads in part:

The small-diameter resin twisted brush of this invention which does not use metal in stem section, will be free of any discomfort due to a galvanic current between the saliva ...

In the rejection, the Examiner identifies wires 3,3 described in col. 2, lines 17-23 of Brandi as the alleged “at least two resilient stem resin filament rods” of claim 7. See page 2 of the Office Action.

Respectfully, Brandli teaches that a brush comprises two stainless steel double wires 3, 3 described in col. 2, lines 11-24. There is no teaching or suggestion of at least two resilient resin stem rods being twisted about one another, as required by claim 7.

Claim 9

Claim 9 recites that the at least two resilient stem resin filament rods are coated with a “thermally fusible resin material” which is fused to hold the resin filaments.

To the contrary, Brandi teaches that stainless steel wires are coated with an insulating material. Respectfully, stainless steel coated with insulating material is different than resin filament rods coated with a thermally fusible resin material. In particular, the coating of insulating material disclosed by Brandi cannot be both the “resin rod” and the “thermally fusible resin material” coated on the “resin rod,” as recited in claim 9.

Furthermore, Brandli’s insulating layer is arranged for electrical insulation, and is not fused to hold the resin filaments, as required by claim 9.

For at least the reasons described above, it is Applicant’s belief that the cited reference fails to teach or suggest all the limitations of claims 7 and 9. Applicant therefore respectfully requests that the rejection of claims 7 and 9 be withdrawn and the claim passed to issue. Insofar as claims 8 and 10-11 depend from claim 7, and therefore incorporate all of the limitations of claim 7, it is Applicant’s belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103(a)

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Brandli in view of Charvat.

As noted above, it is Applicant’s belief that claim 8 is allowable at least by virtue of its dependency from claim 7. Furthermore, claim 8 is believed to be allowable for the alternate and independent reason that Brandli in view of Charvat fail to teach or suggest the resin twist brush comprises at least one thermally fusible resin filament rod parallel to said at least two resilient stem resin filament rods.

In particular, Charvat teaches that a bonding material 9 is a coating. Respectfully, this is different than a thermally fusible resin filament rod, as recited in claim 9.

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Examiner: CHIN, RANDALL E, Art Unit 3723  
In response to the Office Action dated June 25, 2009

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Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so. The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to Deposit Account No. **502447**.

Respectfully submitted,

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